

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 31 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

GARY DON OYLER

No. 72-CR-45

On this 28th day of March, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, John Sharp, Retained.

IT IS ADJUDGED that the defendant upon his plea of guilty, and the Court being satisfied there is a factual basis for the plea,

has been convicted of the offense of having violated T. 50, App., U.S.C., 456(j) and 462, in that on or about June 21, 1971, in the Western District of Oklahoma, Deft. unlawfully failed to perform a duty required of him under and in the execution of the Military Selective Service Act of 1967 and Deft. did fail and neglect to comply with an order of his local board to report to the University of Oklahoma Medical Center, Oklahoma City, Oklahoma, to report for employment and to remain in such employment for Two (2) Years or until changed by proper authority as charged in the Indictment

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the imposition of sentence is hereby suspended and that the Defendant is placed on probation for a period of Two (2) Years from this date.

It is further adjudged that the Defendant is to report to the University of Oklahoma Medical Center in Oklahoma City, Oklahoma, for work beginning April 3, 1972, at or before Noon of that day, and to work for Two (2) Years from that date.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Approved as to form:

Ben F. Baker

Ben F. Baker, Asst. U.S. Atty.

S/ Allen E. Barron
United States District Judge.

Clerk.

¹ Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel."

² Insert (1) "guilty, and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be.

³ Insert "in count(s) number" " if required.

⁴ If sentence is imposed but execution suspended, and probation ordered, enter here (1) sentence or sentences, specifying counts if any, (2) whether sentences are to run concurrently or consecutively, and if consecutively, when each term is to begin with reference to termination of preceding term or to any outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of _____ years from this date."

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

FILED
IN OPEN COURT

MAR 28 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America

vs.

William Kursh

Criminal No. 71-CR-6

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the/Assistant United States
Attorney for the Northern District of Oklahoma
hereby dismisses the indictment against
(indictment, information, complaint)
William Kursh defendant.

Ben F. Baker

Asst. United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

[Signature]
United States District Judge

Date:

FILED
IN OPEN COURT
MAR 23 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

72-CR-53

United States of America

Criminal No. _____

vs.

Michael Joe Stumper

ORDER OF DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the/United States
Assistant
Attorney for the Northern District of Oklahoma
hereby dismisses the information against
(indictment, information, complaint)
Michael Joe Stumper defendant.

Ben F. Baker

Asst. United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

[Signature]
United States District Judge

72-53-76

FILED
MAR 23 1952

JOHN H. POE, Clerk
U. S. DISTRICT COURT

NO. 71-CR-169

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UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCES COLEEN DOWDA,

Defendant.

NO. 70-CR-127

FILED

MAR 21 1972

ORDER CORRECTING ILLEGAL SENTENCE

JOHN J. POE Clerk
U. S. DISTRICT COURT

The Court finds that pursuant to Rule 35, Federal Rules of Criminal Procedure, it may at any time correct an illegal sentence.

The Court further finds that the sentence entered herein on the 22nd day of June, 1971, was illegal; i.e., upon revocation of defendant's probation, a definite sentence, previously imposed as modified, was increased. Such increase in sentence is excessive and must be corrected so as not to exceed the definite period of imprisonment imposed on the 19th day of March, 1971.

IT IS, THEREFORE, ORDERED that the illegal sentence imposed on June 22, 1971, is corrected to read as follows:

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of thirty-four (34) months and twenty-four (24) days.

Dated this 21st day of March, 1972, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

-v-

ROBERT THOMAS HENRY,

Defendant.

FILED
IN OPEN COURT

MAR 21 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

No. 71-CR-5

ORDER OF DISMISSAL

Now, on this 21 day of March, 1972, upon motion of
plaintiff, United States of America, it is hereby ordered that the
indictment in this cause is dismissed.


United States District Judge

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

MICHAEL SIDNEY LINEKER

No. 72-CR-8

FILED

MAR 21 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 21st day of March, 19 72 came the attorney for the government and the defendant appeared in person and¹ with counsel, Ed Goodwin

IT IS ADJUDGED that the defendant upon his plea of² Not Guilty, and a finding of Guilty

has been convicted of the offense of having violated T. 18, U.S.C., 751, in that on or about November 10, 1971, at Tulsa, Oklahoma, in the Northern District of Oklahoma, Michael Sidney Lineker attempted to escape from the Tulsa County Jail, where he had been confined by the United States Marshal for the Northern Judicial District of Oklahoma, or his duly authorized representative acting under the direction of the Attorney General of the United States; said Michael Sidney Lineker being held in custody in said jail by virtue of a warrant issued by Youth Correction Division of the United States Board of Parole, charging said Michael Sidney Lineker with violation of parole from the Western District of Washington.

/and his attorney as charged³ in the Information and the court having asked the defendant/whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of⁴

Count One - Eighteen (18) Months

IT IS ADJUDGED that⁵ this sentence shall run concurrently with any other sentence, if any, to be served by the defendant, on his present parole violation warrant.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

APPROVED AS TO FORM

Ben F. Baker
Ben F. Baker, Asst. U. S. Attorney
The Court recommends commitment to⁶

John H. Poe
United States District Judge.

Clerk.

¹Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel." ²Insert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. ³Insert "in count(s) number " if required. ⁴Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. ⁵Enter any order with respect to suspension and probation. ⁶For use of Court to recommend a particular institution.

United States District Court

FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 21 1972

United States of America

v.

No.

72-CR-11

JOHN H. FOL, Clerk
U.S. DISTRICT COURT

RICHARD LOYED HINES

On this 21st day of March, 1972 came the attorney for the government and the defendant appeared in person and¹ with counsel, Allen E. Barrow, Jr.

IT IS ADJUDGED that the defendant upon his plea of² guilty, and the Court being satisfied there is a factual basis for the plea,

has been convicted of the offense of having violated T. 18, U.S.C., 922(k), in that, on or about November 5, 1971, he did, willfully and knowingly, transport in interstate commerce from the State of Oklahoma, in the Northern District of Oklahoma, to the State of Kansas, two firearms, that is, a Remington Model 1100 20-gauge semi-automatic shotgun, and a Springfield Model 67H 12-gauge pump action shotgun, which had their serial numbers removed, obliterated and altered, as charged in the Indictment.

& his atty.

XXXXXXXXXX
as charged

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of⁴

Twelve (12) months

and on the condition that the defendant be confined in a jail type or treatment institution for a period of Six (6) months, the execution of the remainder of the sentence is hereby suspended and the defendant placed on probation for a period of Six (6) months; probation pursuant to the Federal Youth Correction Act, Title 18, U.S.C.A. 5010(a).

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Approved as to form:

Ben F. Baker

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Allen E. Barrow, Jr.

United States District Judge.

Ben F. Baker, Asst. U.S. Attorney

Clerk.

¹Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel." ²Insert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. ³Insert "in count(s) number" if required. ⁴Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. ⁵Enter any order with respect to suspension and probation. ⁶For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

WYNEMA ROBERTS

No. 72-CR-48

MAR 21 1972
JOHN H. ROE, CLERK
U. S. DISTRICT COURT

On this 21st day of March, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, Allen Barrow, Jr.

IT IS ADJUDGED that the defendant upon his plea of guilty, and the Court being satisfied there is a factual basis for the plea,

has been convicted of the offense of having violated T. 18, U.S.C., 495, in that on or about May 21, 1971, at Tulsa, Oklahoma, she, for the purpose of obtaining and receiving from the U.S., \$64.00, did falsely make and forge the endorsement on the back of a paper writing in the form of a check drawn upon the Oklahoma Employment Security Commission, as charged in the Information.

~~xxxxxxx~~

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Two (2) years from this date, pursuant to the Federal Youth Correction Act, T. 18, U.S.C.A. 5010(a).

IT IS FURTHER ADJUDGED that one of the special conditions of probation is that the defendant make restitution in the amount of \$64.00 within a period of Six (6) months.

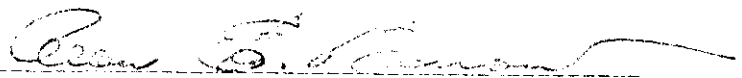
IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Approved as to form:



Hubert H. Bryant, Asst. U.S. Atty.



United States District Judge.

Clerk.

¹ Insert "by [name of counsel, counsel] or "without counsel; the court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel."

² Insert (1) "guilty, and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be.

³ Insert "in count(s) number _____" if required.

⁴ If sentence is imposed but execution suspended, and probation ordered, enter here (1) sentence or sentences, specifying counts if any, (2) whether sentences are to run concurrently or consecutively, and if consecutively, when each term is to begin with reference to termination of preceding term or to any outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of _____ years from this date."

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 15 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America
v. Plaintiff

No. 72-CR-6

Jose Luis Hidalgo Cubillo
Defendant

On this 15th day of March, 1972 came the attorney for the government and the defendant appeared in person and¹ with counsel, Ray Wilburn.

It Is ADJUDGED that the defendant upon his plea of² not guilty, and a verdict of guilty

has been convicted of the offense of having violated T. 18, U.S.C. 2312, in that, on or about December 12, 1971, in Creek County, Oklahoma, in the Northern District of Oklahoma, he transported in interstate commerce from New York, New York, to Creek County, Oklahoma, a stolen 1971 Mercury automobile, vehicle Identification No. 1F91H553899, he then knowing the same to have been stolen, as charged in the Information.

/and his attorney

XXXXXXXXXX
XXXXXXXXXX

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is ADJUDGED that the defendant is guilty as charged and convicted.

It Is ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of⁴

Four (4) years.

United States District Court) ss
Northern District of Oklahoma)
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

John H. Poe, Clerk
By Barbara Ryan
Deputy

It Is ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Approved as to form:

Ben F. Baker

W. Fred Saugherty
United States District Judge.

Ben F. Baker, Asst. U.S. Attorney

Clerk.

¹Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel." ²Insert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. ³Insert "in count(s) number" if required. ⁴Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. ⁵Enter any order with respect to suspension and probation. ⁶For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

RODNEY VANCE HENDERSON

No. 72-CR-29

FILED

MAR 13 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 13th day of March, 1972 came the attorney for the government and the defendant appeared in person and¹ by counsel, James Frasier.

IT IS ADJUDGED that the defendant upon his plea of² not guilty, and a verdict of guilty

has been convicted of the offense of having violated T. 18, USC, Sec. 922(k), in that on or about December 14, 1971, Rodney Vance Henderson did willfully and knowingly transport in interstate commerce from the State of Colorado to the State of Oklahoma, in the Northern District of Oklahoma, a firearm, that is, a Junior Colt .25 caliber semi-automatic pistol, with the numbers "282" stamped on the barrel, which had its serial number removed, obliterated, and altered, as charged in the Indictment,

and his attorney~~as charged~~³

and the court having asked the defendant whether they had anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

~~IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment.~~

IT IS ADJUDGED that the defendant is sentenced to a period equal to the time of confinement already served on this charge, beginning December 14, 1971, to this date.

~~IT IS ADJUDGED that~~

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

APPROVED AS TO FORM:

Ben F. Baker

~~The Court recommends commitment to~~

Luther Bohannon
United States District Judge.

Asst. U. S. Attorney

Clerk.

¹Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel. ²Insert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. ³Insert "in count(s) number" if required. ⁴Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. ⁵Enter any order with respect to suspension and probation. ⁶For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

FRANK SALDANA

No. 72-CR-39

FILED

MAR 13 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this **13th** day of **March**, 1972 came the attorney for the government and the defendant appeared in person and¹ by counsel, Jack Ferguson.

IT IS ADJUDGED that the defendant upon his plea of² **not guilty**, and a verdict of guilty

has been convicted of the offense of having violated T. 8, USC, Sec. 1324(a)(2), in that on or about 3-3-71, at or near Miami, Oklahoma, in the Northern District of Oklahoma, Frank Saldana did willfully, knowingly and in violation of law, transport and move by means of a pickup truck certain individuals from a point near Eagle Pass or Fort Worth, Texas, to a point near Miami, Okla., knowing they were in the United States in violation of law, and knowing or having reasonable grounds to believe their last entry into the United States occurred less than three years prior thereto, as charged in Counts 1 through 14 of the Indictment

and his attorney ~~XXXXXX~~

and the court having asked the defendant/whether they had anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of⁴

Count One - Five (5) Years

Count Two through Fourteen - Five (5) Years each Count

IT IS ADJUDGED that⁵ the defendant shall become eligible for parole under 18, U.S.C., 4208(a)(2) at such time as the Board of Parole may determine.

IT IS ADJUDGED that the sentence imposed in Counts 2 through 14 shall run concurrently with the sentence imposed in Count 1.

IT IS FURTHER ADJUDGED that the defendant pay a fine unto the United States in the amount of \$1,400.00.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

APPROVED AS TO FORM:

XXXXXXXXXXXXXXXXXXXXX
The Court recommends commitment to

L. J. Ben F. Baker
Asst. U. S. Attorney

J. S. Luther Bohannon
United States District Judge.

Clerk.

A True Copy. Certified this _____ day of _____

(Signed) _____ (By) _____
Clerk. Deputy Clerk.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY DALE BURKHART,

Defendant.

Criminal No. 72-CR-22

FILED

MAR 10 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER MODIFYING JUDGMENT AND SENTENCE

This Court has under consideration an Application to Modify Sentence under Rule 35 of the Federal Rules of Criminal Procedure filed by the Defendant on the 1st day of March, 1972, which application has been filed within 120 days of the sentence,

Upon careful consideration of the motion and the file and upon careful consideration of the response of the Assistant U. S. District Attorney, this Court finds that no further benefit is to be gained by the continued imprisonment of this Defendant and that continued imprisonment might well prove detrimental. The Court, therefore, finds that the motion for modification of this sentence should be sustained.

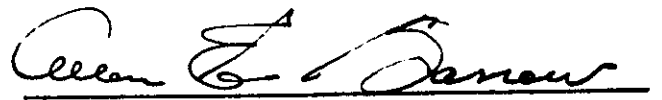
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the sentence entered on the 29th day of February, 1972, be and is hereby modified to read as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant, Bobby Dale Burkhardt, is hereby committed to the custody of the Attorney General of the United States or his authorized representative for imprisonment for a period of thirty (30) months plus forty-three (43) days on the condition that the Defendant be confined in a jail type or treatment institution for a period of forty-three (43) days. The execution of the remainder of the sentence is hereby suspended and the Defendant is placed on probation for a period of thirty (30) months.

IT IS ORDERED, ADJUDGED AND DECREED that a special condition of probation is that the Defendant remain employed.

It is the intention of this Order that the Defendant Bobby Dale Burkhart be released from jail type or institutional custody effective the 10th day of March, 1972.

DATED this 10th day of March, 1972.


United States District Judge

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

DANIEL BRAVO-GARCIA

No. 72-CR-46

FILED

MAR 7 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 7th day of March, 1972, came the attorney for the government and the defendant appeared in person, and by court appointed counsel, George Carrasquillo.

IT IS ADJUDGED that the defendant upon his plea of guilty, and the Court being satisfied there is a factual basis for the plea,

has been convicted of the offense of having violated Title 18, U.S.C. 911, in that on or about January 23, 1972, near Miami, Oklahoma, on Will Rogers Turnpike about four miles northeast of Miami, Oklahoma, he did falsely and wilfully represent himself as a citizen of the United States

as charged¹ in the Information;

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED² that imposition of sentence is hereby suspended and the Defendant is placed on probation for a period of five years from this date. A special condition of probation is that if the defendant reenters the United States illegally, the probation will be revoked.

The United States Marshal is directed to return the Defendant to the Immigration authorities for return to Mexico.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Approved as to Form:

Ben F. Baker

Ben F. Baker, Asst. U. S. Atty.

Allen E. Barrow

United States District Judge.

Clerk.

¹ Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel."

² Insert (1) "guilty, and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be.

³ Insert "in count(s) number" if required.

⁴ If sentence is imposed but execution suspended, and probation ordered, enter here (1) sentence or sentences, specifying counts if any, (2) whether sentences are to run concurrently or consecutively, and if consecutively, when each term is to begin with reference to termination of preceding term or to any outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of _____ years from this date."

FILED
MAR 6 - 1972

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SIDNEY LINEKER,

Defendant.

NO. 72-CR-8 ✓

MEMORANDUM OPINION AND JOURNAL ENTRY OF
JUDGMENT

NOW, on this 1st day of March, 1972, the above styled and numbered cause came on pursuant to regular setting for trial before the Court without a jury, defendant being personally present and represented by counsel, Mr. E. L. Goodwin, and plaintiff being present by Mr. Ben F. Baker, Assistant United States Attorney. Both sides having announced ready for trial, and having made their respective opening statements, the plaintiff puts on its evidence and rests, Defendant moves the Court for a judgment of acquittal, which motion is denied. Defendant rests.

The Court, having examined the pleadings on file herein, and having heard the testimony of witnesses sworn and examined in open Court, and having heard the argument of counsel, finds as follows:

1. That the plaintiff has proved the allegations of the information herein beyond a reasonable doubt, and that defendant is, therefore, found guilty as charged.

2. That on or about November 4, 1971, defendant was arrested at the Tulsa County Jail, in the Northern District of Oklahoma, by a Deputy United States Marshal by virtue of a warrant issued by the United States Board of Parole, a duly authorized representative of the Attorney General; and was, thereafter, confined as a Federal prisoner at the Tulsa County Jail at Tulsa, Oklahoma.

3. That following said arrest and confinement, the defendant did, on November 10, 1971, attempt to escape from the Tulsa County Jail by claiming to be one Larry Alan Stockholm, a prisoner who was to be released.

4. Said attempt to escape by said misrepresentation consisted of and was complete upon representing to jailors that he was Stockholm, and leaving the cell with knowledge that the person he was impersonating was being released and representing to jailors that he was Stockholm, and further continuing in such attempted escape by signing two property receipts and a fingerprint card with Stockholm's name; and, thereafter, by physically departing from the locked area of the jail.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that

the defendant, Michael Sidney Lineker, is found guilty by the Court of violation of Title 18, United States Code, Section 751, as charged in the information herein, and that sentence date is passed to March 21, 1972, at 10:00 o'clock a.m., with defendant's appearance bond continued in the amount of \$5,000.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

ANDERSON GORDON BARTLETT,

DEFENDANT.

No. 72-CR-12

FILED
IN OPEN COURT

MAR 2 - 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

IN THIS 72-CR-12, UNITED STATES OF AMERICA V. ANDERSON GORDON BARTLETT, THE COURT FINDS FROM THE EVIDENCE HEREIN PRESENTED, AND UPON JUDICIAL NOTICE OF THE LAWS APPLICABLE HEREIN, AS FOLLOWS:

IN 69-C-140, HARRIS, UPHAM & COMPANY, INC., VS. A. G. BARTLETT, AN ACTION TO RECOVER DAMAGES FOR BREACH OF CONTRACT, PLAINTIFF RECEIVED JUDGMENT BY JURY ON OCTOBER 27, 1969, IN THE TOTAL SUM OF \$23,795.50. ON APPEAL, THE JUDGMENT WAS AFFIRMED, 435 F.2D 855 (10TH CIR. 1971).

RULE 69, F.R.C.P., PROVIDES IN PERTINENT PART:

" . . . IN AID OF THE JUDGMENT OR EXECUTION, THE JUDGMENT CREDITOR OR HIS SUCCESSOR IN INTEREST . . . , MAY OBTAIN DISCOVERY FROM ANY PERSON, INCLUDING THE JUDGMENT DEBTOR, IN THE MANNER PROVIDED IN THESE RULES OR IN THE MANNER PROVIDED BY THE PRACTICE OF THE STATE IN WHICH THE DISTRICT COURT IS HELD."

28 U.S.C. SEC. 636(A)(2) PROVIDES THAT EACH UNITED STATES MAGISTRATE SERVING UNDER THIS CHAPTER SHALL HAVE WITHIN THE TERRITORIAL JURISDICTION PRESCRIBED BY HIS APPOINTMENT "THE POWER TO ADMINISTER OATHS AND AFFIRMATIONS, . . . AND TAKE ACKNOWLEDGMENTS, AFFIDAVITS, AND DEPOSITIONS; . . ."

THE ASSET HEARINGS WERE CONDUCTED IN EFFORTS TO COLLECT THE JUDGMENT IN 69-C-140 UNDER OKLAHOMA STATE LAW AS FOLLOWS:

12 O.S.A. SEC. 842 PROVIDES IN PART:

"AT ANY TIME AFTER JUDGMENT, ON APPLICATION OF THE JUDGMENT CREDITOR, A JUDGE OF THE COURT IN WHICH THE JUDGMENT WAS RENDERED, SHALL ORDER THE JUDGMENT DEBTOR TO APPEAR BEFORE THE JUDGE, OR A REFEREE APPOINTED BY THE JUDGE, AT A TIME AND PLACE SPECIFIED IN SUCH ORDER, TO ANSWER CONCERNING HIS PROPERTY. . ."

12 O.S.A. SEC. 849 PROVIDES IN PART:

"THE PARTY . . . MAY BE REQUIRED TO ATTEND BEFORE THE JUDGE, OR BEFORE A REFEREE APPOINTED BY THE JUDGE . . . ALL EXAMINATIONS AND ANSWERS BEFORE A JUDGE OR A REFEREE MUST BE ON OATH."

THE TRIAL COURT'S ORDER, UPON PLAINTIFF'S APPLICATION, TO APPEAR AND ANSWER CONCERNING ASSETS WAS DATED AND FILED APRIL 15, 1971; AND, THE ORDER PASSING HEARING TO MAY 19, 1971, TO BE HELD BEFORE THE UNITED STATES MAGISTRATE FOR THE NORTHERN DISTRICT OF OKLAHOMA WAS DATED AND FILED MAY 3, 1971.

THEREFORE, AT THE ASSETS HEARINGS ON MAY 19, 1971, AND JUNE 16, 1971, WHEREIN THE GOVERNMENT ALLEGES THE DEFENDANT COMMITTED PERJURY, THE OATH TAKEN BY THE DEFENDANT WAS AUTHORIZED BY A LAW OF THE UNITED STATES; AND, THE OATH WAS TAKEN BEFORE A COMPETENT TRIBUNAL, OFFICER, AND PERSON TO ADMINISTER SUCH OATH AND TAKE SUCH TESTIMONY.

AT THE REQUEST OF THE JUDGMENT HOLDER, THE COURT FURTHER FINDS THAT THE ASSETS HEARINGS WERE CONDUCTED FOR THE PURPOSE OF TRACING ASSETS OWNED BY THE DEFENDANT SO THAT LEVY COULD BE MADE ON ANY ASSETS OWNED BY THE DEFENDANT OR TRANSFERRED BY HIM WITHOUT CONSIDERATION TO AVOID LEVY THEREON IN SATISFACTION OF THEIR JUDGMENT. THEREFORE, WHETHER DEFENDANT OWNED THE 1,000 SHARES OF READING & BATES STOCK FROM, ON OR BEFORE JANUARY 22, 1969, UNTIL THE JUDGMENT WAS SATISFIED, AND THE INFORMATION AS TO DEFENDANT'S ASSETS THAT COULD BE DISCOVERED AND TRACED FROM COPIES OF DEFENDANT'S 1969 AND 1970 PERSONAL INCOME TAX RETURNS WERE, THE COURT HOLDS AS A MATTER OF LAW, MATERIAL TO THE PURPOSES OF THE ASSETS HEARINGS HELD ON MAY 19, 1971, AND JUNE 16, 1971, WHEREIN THE PERJURY OF DEFENDANT IS ALLEGED TO HAVE OCCURRED.

FURTHER, WITH REGARD TO COUNT I THE COURT FINDS THAT THE GOVERNMENT HAS SHOWN THAT THERE WERE STATEMENTS MADE BY THIS DEFENDANT, UNDER OATH, AT HIS CIVIL TRIAL AND IN THE ASSET HEARING WHICH WERE CONFLICTING. HOWEVER, THE COURT IS NOT CONVINCED BEYOND REASONABLE DOUBT THAT THE GOVERNMENT HAS PROVED THAT THOSE CONFLICTING STATEMENTS IN THE ASSETS HEARINGS WERE DELIBERATELY FALSE STATEMENTS; THIS COURT FINDS THAT SUCH CONFLICTING TESTIMONY WAS THE RESULT OF DEFENDANT'S HONEST MISTAKE THAT HE HAD ONLY POSSESSION OF THE STOCK CERTIFICATE, AND NO PERSONAL RIGHTS IN THE STOCK ITSELF; AND THAT THE DEFENDANT'S ANSWERS TO THE QUESTIONS PROPOUNDED TO HIM WERE IN HIS BELIEF LITERALLY ACCURATE AND TECHNICALLY RESPONSIVE, AND THEREFORE NOT WILLFUL, OR KNOWINGLY FALSE.

IN REGARD TO COUNT II OF THE INDICTMENT, IT APPEARS THAT DEFENDANT'S STATEMENT IN THE ASSETS HEARING THAT THE 1969 AND 1970 PERSONAL INCOME TAX RETURN COPIES, TURNED OVER AT THE HEARING AND THERE STATED BY THE DEFENDANT, UNDER OATH, TO BE DUPLICATES OF THE ONES FILED WITH THE INTERNAL REVENUE, AND PREPARED AT THE SAME TIME WITH THOSE FILED, WERE NOT SUCH DUPLICATES SO PREPARED. HOWEVER, THE COURT FINDS THAT SUCH STATEMENT AS TO THE TIME THE COPIES WERE PREPARED AND THEIR BEING EXACT DUPLICATES IS OF SUCH A TRIVIAL NATURE THAT IT IS IMMATERIAL TO THE HEARING. THE COURT FINDS THAT THE INFORMATION MATERIAL TO THE HEARING, AS WAS REFLECTED IN THE COPIES OF INCOME TAX RETURNS, WAS NOT INFORMATION BELIEVED TO BE FALSE BY THE DEFENDANT WHEN HE TESTIFIED, I.E., THE INFORMATION IN THE TAX RETURN COPIES WAS BELIEVED BY THE DEFENDANT WHEN HE GAVE HIS TESTIMONY TO BE AN ACCURATE REFLECTION OF THE INFORMATION ON THE ONES FILED, THEREFORE, HE DID NOT WILLFULLY MAKE A FALSE STATEMENT AS TO INFORMATION MATERIAL TO THE HEARING.

THE COURT FINDS THAT THE ESSENCE OF PERJURY IS THE BELIEF OF THE WITNESS CONCERNING THE VERACITY OF HIS TESTIMONY, AND FROM THE EVIDENCE BEFORE THE COURT, THE COURT FINDS THAT THE DEFENDANT DURING THE ASSETS HEARINGS, TESTIFIED TRULY IN ACCORDANCE WITH HIS UNDERSTANDING, AND HIS TESTIMONY WAS NOT INTENTIONALLY CORRUPT.

THE ESSENTIAL ELEMENT OF THE CRIME OF PERJURY, THAT THE FALSE STATEMENT BE WILLFULLY MADE AS TO FACTS MATERIAL TO THE HEARING, NOT HAVING BEEN PROVED BEYOND REASONABLE DOUBT, THE COURT FINDS THE DEFENDANT NOT GUILTY AS TO BOTH COUNTS ONE AND TWO OF THE INDICTMENT.

THE BOND IS TO BE RETURNED AND THE DEFENDANT RELEASED FORTHWITH.

IT IS SO ORDERED IN OPEN COURT THIS 2ND DAY OF MARCH, 1972.


UNITED STATES DISTRICT JUDGE

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 1 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

RUDOLF TREVINO

No. 72-CR-40

On this 1st day of March, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, Robert Butler.

IT IS ADJUDGED that the defendant upon his plea of guilty, and the Court being satisfied there is a factual basis for the plea,

has been convicted of the offense of having violated T. 8, U.S.C., 1324(2)(4), in that on or about January 24, 1972, he did willfully and in violation of law transport and move by means of a motor vehicle from a point near Eagle Pass, Texas, to a point on the east end of the Will Rogers Turnpike, Ottawa County, Oklahoma, near Miami, Oklahoma, in the Northern District of Oklahoma, in the Northern District of Oklahoma, certain persons, knowing that they were in the United States illegally and knowing their last entry occurred less than three years prior thereto, as charged in Counts One through Eleven ~~as charged~~ of the Information. and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the imposition of sentence in Counts One through Eleven is hereby suspended and that the defendant is placed on probation for a period of Five (5) years from this date, as to each count, concurrently.

IT IS FURTHER ADJUDGED that the defendant, Rudolf Trevino, is to help in reimbursing the people set out in the Information.

United States District Court)
Northern District of Oklahoma) ss

I hereby certify that the foregoing is a true copy of the original on file in this Court.

John H. Poe, Clerk

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Approved as to form:

Ben F. Baker

Ben F. Baker, Asst. U.S. Atty.

John E. Barnes
United States District Judge.

Clerk.

¹ Insert "by name of counsel, counsel" or "without counsel; the court advised the defendant of his right to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel."

² Insert (1) "guilty, and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be.

³ Insert "in count(s) number" " if required.

⁴ If sentence is imposed but execution suspended, and probation ordered, enter here (1) sentence or sentences, specifying counts if any, (2) whether sentences are to run concurrently or consecutively, and if consecutively, when each term is to begin with reference to termination of preceding term or to any outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of _____ years from this date."